

RECEIVED

JUL 12 2021

United States District Court
for the
Federal District of Alaska

CLERK, U.S. DISTRICT COURT
ANCHORAGE, AK

Kirt Filoialii
[3AN-21-02799 CR.]
[3:21-MJ-00245]

Tristan Jamal Grant
[3AN-18-49717 CR.]
[3:19-CR-00003-RRB-MMS]

Derek Franklin Burkett
[3AN-21-02011 CR.]
[3AN-S17-09775 CR.]

Clayton Wayne Gottschalk
[3AN-20-09774 CR.]

Plaintiff[s]

v.

State of Alaska Supreme Court
[Joel Bolger (Chief Justice),
Daneil Winfree, Peter Maassen, Susan
Carney, Dario Borghesan]

State of Alaska Governor [Micheal
Dunleavy]

State of Alaska Attorney General
[Treg R. Taylor]

State of Alaska District Attorney
[Brittany Dunlop]

Defendant[s]

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

I. The parties of this complaint

A. Plaintiff[s]

Name: Kirt Filoialii

Case Number[s]: 3AN-21-02799 CR. Arrest Date: 4/18/21
3:21-MJ-00245 MMS Arrest Date: 4/28/21

Jurisdiction: State of Alaska and Federal

Current Institution: Anchorage Correctional-East

Address: 1400 E. 4th Avenue, Anchorage, Alaska 99501

Name: Derek Franklin Burkett

Case Number[s] 3AN-21-02011 CR. Arrest Date: 3/30/21
3AN-S17-09775 CR. Arrest Date: 3/30/21

Jurisdiction: State of Alaska

Current Institution: Anchorage Correctional Complex-East

Address 1400 E. 4th Avenue, Anchorage , Alaska 99501

Name: Clayton Gottschalk

Case Number[s] 3AN-20-09774 CR. Arrest Date: 12/18/20

Jurisdiction: State of Alaska

Current Institution: Anchorage Correctional Complex-East

Address: 1400 E. 4th Avenue, Anchorage, Alaska 99501

Name: Tristan Jamal Grant

Case Number[s] 3AN-18-49717 CR. Arrest Date: 12/13/18
3:19-CR-00003-RRB-MMS Arrest Date: 12/18/18

Jurisdiction: State of Alaska and Federal

Current Institution: Anchorage Correctional Complex-East

Address: 1400 E. 4th Avenue, Anchorage, Alaska 99501

Hereinafter, the aforementioned will be referred to as " the plaintiff[s]" throughout this complaint and until it is resolved.

B. Defendant[s]

Name: Joel Bolger

Job or Title: Chief Justice Alaska Supreme Court

Address: 825 W. 4th Avenue, Anchorage, Alaska 99501

Name: Daneil Winfree

Job or Title: Justice Alaska Supreme Court

Address: 825 W. 4th Avenue, Anchorage , Alaska 99501

Name: Peter Maassen

Job or Title: Justice Alaska Supreme Court

Address: 825 W. 4th Avenue, Anchorage, Alaska 99501

Name: Susan Carney

Job or Title: Justice Alaska Supreme Court

Address: 825 W. 4th Avenue, Anchorage, Alaska 99501

Name: Dario Borghesan

Job or Title: Justice Alaska Supreme Court

Address: 825 W. 4th Avenue, Anchorage Alaska. 99501

Name: Micheal Dunlevy

Job or Title: Governor, State of Alaska

Address: P.O. Box 110001, Juneau, Alaska. 99811-0001

Name: Treg R. Taylor

Job or Title: Attorney General, State of Alaska

Address: 310 K Street, Anchorage, Alaska 99501

Name: Brittany Dunlop

Job or Title: Head Prosecutor, State of Alaska

Address: 310 K Street, Anchorage, Alaska 99501

Hereinafter, the aforementioned will be referred to as "the defendants" throughout this complaint and until this complaint is Resolved.

II. Basis for Jurisdiction

The Basis for the plaintiff[s] to file this complaint is that the plaintiff's right to due process is being violated; by allowing The State of Alaska's Supreme Court to "Relax and Suspend Court Rules", this can only be done by Alaska's Legislation. The court rules that are relaxed and suspended are Alaska Court Rule 5 and Alaska Court Rule 45. The State of Alaska's Constitution Article 1 subsection 11 clearly states how the amending of rules is to be done. When The Alaska Court Rules were amended it put the plaintiff[s] in way of tryanny. There is no "Due Process".

A. Are you bringing suit against (check all that apply)

☐ Federal officials

☒ State or local officials

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]. 42 U.S.C. subsection 1983. If suing under section 1983, what federal constitution or statutory right[s] do you claim is/are being violated by State or local officials?

The Plaintiff[s] are Claim the "Right to Due Process" is be violated by the STATE OF Alaska's Supreme Court; they suspended Alaska Court Rule[s] 5 and 45 without due process of the law.

D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinances, regulation, custom, or usage of any State or Territory or the District of Columbia". 42 U.S.C subsection 1983. If you are suing under Section 1983 explain how each defendant acted under color of federal law. (Attached are the additional pages of this claim.)

☒ Pretrial Detainee

☐ Civilly committed detainee

☐ Immigration detainee

☐ Convicted and sentenced state prisoner

☐ Convicted and sentenced federal prisoner

☐ Other (explain) _____

Outside of an institution _____
Inside of an institution X

Denied

II. Basis for Jurisdiction

- D. The defendant[s] violated the plaintiff[s] right to "due process. The State of Alaska's Supreme Court Justice[s] relaxed and suspended Alaska Court Rules; Alaska Constitution Article 1 subsection 11 says that State of Alaska's Legislation can only amend rules of the accused. This is a violation of due process by the State of Alaska's Supreme Court and the State of Alaska's Governor, the State of Alaska's Attorney General and the State of Alaska's Head Prosecutor; *they* were aware of this action to violate "due process" and Alaska Court rule[s] 5 and 45. The Defendants took an oath to protect the people[s] civil liberties and constitutional right[s].

IV. Statement of Claim

The plaintiff[s] are bringing complaint against the defendant[s] for violating the plaintiff[s] right to due process, suspending Alaska Court Rule 5 and Alaska Court Rule 45.. In order to suspend Alaska Criminal Rule[s] such as rule 5 and rule 45 it is to be done by the State of Alaska's Legislation as per Alaska Constitution Article 1 subsection 11 and not suspended by Alaska's Supreme Court. Alaska criminal rule 5 states an accused shall be indicted within 10 days if in custody and 20 days if not in custody. And, Alaska criminal rule 45 states the accused will *have* a jury trial within 120 days. Without these there is no justice. There was no "due process" to suspend these rules; violating the plaintiff[s] right of "due process", a 6th amendment violation, a 5th amendment violation and an 8th amendment (cruel and unusual punishment violation) and a 14th amendment violation.

VI. Injuries

If you nsustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Mental and emotional trama are the medical issue[s] the plaintiff[s] and their families are enduring from this imprisonment; for the plaintiff[s] are not there to help the family either fianicially, morally, spiritually, emotionally, socially or culturally. There has been no mental or emotional therapy provided and it is definitely needed.

VII. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the act alleged. Explain the basis for these claims.

The plaintiff[s] wish their criminal charges be dismissed with prejudice. And the plaintiff[s] wish to be compensated for their time incarcerated in the amount of \$1500.00 a day for work they have missed and the stress and duress they and their families have gone through. And they would like for their mental and emotional therapy be paid for once they are released.

___ Approved ___ Denied

VIII. Documentation Attachment

- A. Attach any police reports, criminal charging documents, any criminal discovery, supporting affidavits, adverse documents, police notes or professional notes here. Make sure you send copies and keep your orginials.

IX. Certificate of Service

I certify that on the following date 6/30/2021, a copy of this complaint and attachments were X mailed hand delivered to

-X opposing party Alaska Supreme Court Justices, State of Alaska.
Governor, State of Alaska Attorney General, State of Alaska
Lead Prosecutor

My Signature Clayton Gottschalk.

printed name Clayton Gottschalk.

X. Affidavit

I, Clayton Gottschalk, swear or affirm the aforementioned complaint and all the complaint entails to be true and complete to the best of my knowledge.

Clayton Gottschalk
Signature

Subscribed and sworn to or affirmed before me at ACE Anchorage,
Alaska on 30 June 2021

(SEAL)

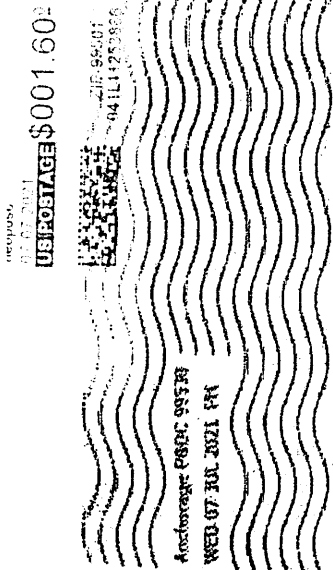


S. G. Medlock
Clerk of Court, Notary Public or

other person authorized to administer oaths.

My commission expires w/office.

Dayton Gottschalk
213789
Anchorage Correctional Complex-East
100 E. 4th Avenue
Anchorage, Alaska. -99501-



Clerk of Court
Federal District Court
222 W. 7th Avenue, Ste. #48
Anchorage, Alaska. -99501-